

47. (New) The apparatus of claim 46, wherein the coupling member couples the occlusive implant by clamping action.
48. (New) The apparatus of claim 44, wherein the coupling portion is configured so that an occlusive implant is not in fluid communication with the coupling portion.
49. (New) The apparatus of claim 44, wherein the coupling portion comprises a distal portion of the delivery member.

#### **REMARKS**

Based upon the Office Action and a conversation with the Supervisory Examiner, Applicants hereby confirm that claims 33-37 are allowed and not subject to the double patenting rejection. In addition, Applicants thank the Examiner for renumbering the claims to comply with 37 C.F.R. § 1.126.

Claims 21-32 have been cancelled. New claims 38-49 are added. As old claims 21-32 have been cancelled, the rejections of claims 21-24 under 35 U.S.C. § 112, claims 21-29 under 35 USC § 102(e), and claim 31 under 35 USC § 103(a) are mooted.

#### **New Claims**

New claim 38 recites, inter alia, a “delivery member having a coupling portion, the coupling portion changing configuration in response to fluid pressure applied to the coupling portion to release an occlusive device carried by the coupling portion.” Support for this recitation can be found, for example, in FIGS. 2-6 and 7-8, and the specification at page 13, line 21 to page 14, line 3.

Applicants note that this recitation is not taught or disclosed in the cited references. Therefore, claim 38 is believed to be in condition for allowance.

New claims 39-43 depend from claim 38 and are believed to be allowable by virtue of their dependence on an allowable independent claim.

In addition, claim 39 recites that the “coupling portion changes configuration by expanding in a substantially radial direction in response to fluid pressure applied to the coupling portion.” Applicants note that this further recitation is not taught or disclosed in the cited references.

In addition, new claim 40 recites that the “coupling portion comprises a coupling member that couples to the occlusive device by clamping the occlusive device in a substantially fixed position, the coupling member changing configuration by expanding in a substantially radial direction in response to fluid pressure applied to the coupling member.” Applicants note that this further recitation is not taught or disclosed in the cited references.

In addition, new claim 41, which is dependent on Claim 40, recites that “the coupling member comprises a plurality of slots that engage the implant.” Applicants note that this further recitation is not taught or disclosed in the cited references.

In addition, new claim 42 recites that the “coupling portion is configured so that the occlusive implant is not in fluid communication with the coupling portion.” Applicants note that this further recitation is not taught or disclosed in the cited references.

In addition, new claim 43 recites that the “coupling portion comprises a distal portion of the delivery member.” Applicants note that this further recitation is not taught or disclosed in the cited references.

New claim 44 recites, inter alia, a “delivery member comprising a deformable coupling portion that changes shape in response to fluid pressure applied to the coupling portion to release an

occlusive device carried by the coupling portion.” Support for this recitation can, for example be found at element 30 of Figs. 4-6, element 30’ of Figs. 7-9, and the specification at page 13, line 21 to page 14, line 3. Applicants note that this recitation is not taught or disclosed in the cited references. Therefore, claim 43 is in condition for allowance.

New claims 45-49 depend from claim 45 and are allowable by virtue of their dependence on an allowable independent claim.

In addition, new claim 45 recites that the “coupling portion changes shape by expanding substantially radially outward in response to fluid pressure applied to the coupling portion.” Applicants note that this further recitation is not taught or disclosed in the cited references.

In addition, new claim 46 recites that the “coupling portion comprises a coupling member that, when in one shape is configured to couple an occlusive implant to the coupling member.” Applicants note that this further recitation is not taught or disclosed in the cited references.

In addition, new claim 47, which is dependent on Claim 46, recites that the “coupling member couples the occlusive implant by clamping action.” Applicants note that this further recitation is not taught or disclosed in the cited references.

In addition, new claim 48 recites “coupling portion is configured so that an occlusive implant is not in fluid communication with the coupling portion.” Applicants note that this further recitation is not taught or disclosed in the cited references.

In addition, new claim 49 recites “coupling portion comprises a distal portion of the delivery member.” Applicants note that this further recitation is not taught or disclosed in the cited references.

**CONCLUSION**

Based on the foregoing Amendments and Remarks, it is respectfully submitted that the application is now in condition for allowance and a Notice of Allowance is respectfully requested. Should the Examiner have any further questions or comments regarding the application or the above remarks, she is invited to contact the undersigned at his/her convenience.

A Power of Attorney and Revocation of Prior Power is submitted herewith.


Applicants request a two (2) month extension in time to respond to the present Office Action under 37 CFR 1.17(a)(2). The Commissioner is authorized to charge the required fee under 37 CFR §1.78 to LYON & LYON, LLP Deposit Account No. 12-2475.

Respectfully submitted,

LYON & LYON LLP

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